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SPECIAL COMMITTEE ON THE CHARTER OF
THE UNITED NATIONS AND ON THE
STRENGTHENING OF THE ROLE OF THE
ORGANIZATION
1-19 March 1993

NEW ISSUES FOR CONSIDERATION IN THE SPECIAL COMMITTEE

Updated working paper submitted by the Russian Federation

During the exchange of views between members of the Special Committee in 1993 and during the consideration of the Special Committee's report by the General Assembly at its forty-seventh session, the following proposals and ideas, which could be discussed at a later stage of the Committee's work, elicited a positive response.

1. Broadening the Secretary-General's peacemaking efforts. In this context, the following recommendations regarding the Secretary-General's activities could be considered:

- The Secretary-General could provide assistance in the holding of consultations at various levels between the United Nations and regional organizations with a view to achieving broad international consensus on the substance of a pressing problem and on concerted action for its solution;

- Submit, on his own initiative, reports on individual issues relating to the maintenance of international peace and security, including disarmament, for consideration by the Security Council;

- Hold meetings, as necessary, with leaders of regional organizations in order to exchange information and propose joint initiatives with a view to settling local disputes and solving problems relating to the political, economic, social and cultural development of countries of a given region;

- Exercise more frequently his right under Article 99 of the Charter of the United Nations to bring to the attention of the Security Council any matters that, in his opinion, may threaten the maintenance of international peace and security, including serious economic and environmental problems and humanitarian emergencies;

- Make it a regular practice for the General Assembly to consider thoroughly his annual reports on the work of the Organization and, if need be, adopt decisions on the conclusions and recommendations contained therein.

2. In the light of the increasing role in the prevention and peaceful settlement of disputes and conflicts that, in addition to classical mechanisms (mediation, good offices, conciliation and so forth), is being played by institutions and mechanisms established under the Charter, especially the Security Council, the General Assembly, the Secretary-General and the International Court of Justice, and also by the peacemaking structures of regional organizations, we believe that the Special Committee could in principle undertake the task of preparing a draft convention on the peaceful settlement of disputes with the aid of a third party. In drafting the convention, the Special Committee should make use of the provisions of the decision of the Council of the Conference on Security and Cooperation in Europe (CSCE), which met at Stockholm on 14 and 15 December 1992 and adopted, inter alia, the Convention on Conciliation and Arbitration within CSCE. By so doing, the Special Committee would become involved in the wide-ranging long-term programme on the development of international law within the framework of the United Nations Decade of International Law proclaimed by the General Assembly for the 1990s.

3. It might be useful for the Special Committee to consider ways and means of ensuring the fuller realization of the potential of the Charter of the United Nations and the norms of international law and, in particular, ways and means of adapting the Charter to changing developments in international relations (preparation of international agreements to supplement the Charter, establishment of new institutions and mechanisms, elaboration of declarations by the General Assembly, preparation of Security Council resolutions and statements, achievement of consensus agreement on the interpretation and "understanding" of individual provisions of the Charter and so forth).

4. Another urgent matter is the issue of sanctions against, and related measures for exerting pressure on, a State that has violated the peace or is not implementing Security Council decisions. The consideration of this matter would be especially appropriate in connection with the Organization's unprecedented use of sanctions as a political and economic means of peacemaking. In this area, special attention should be given to the following questions: the role of the United Nations and regional organizations in the implementation of sanctions; mechanisms for compensating States whose compliance with sanctions results in losses; strengthening of the role of the International Court of Justice in establishing procedures for the implementation of sanctions; applicability of sanctions in cases of mass human

rights violations and environmental damage; a consistent "order" for increasing sanctions; and so forth.

5. Another question that is highly relevant today and could be considered by the Special Committee has to do with provisional measures that the Security Council may take in accordance with Article 40 of the Charter in order to prevent an aggravation of the situation and resolve dangerous crises and regional conflicts. Such provisional measures might include the Security Council's demand for a cease-fire, the separation of the opposing sides, the establishment of demilitarized zones and "humanitarian corridors", and the provision of assistance to States that have suffered from their imposition of sanctions under Chapter VII of the Charter, and so forth.

6. We note with satisfaction the positive attitude towards the Russian proposals for strengthening the preventive functions of the United Nations, as well as the desire for the Special Committee to explore the question of broadening the sphere of their application. In our view, this could include the prevention of potentially explosive situations, including those caused by conflicts between different ethnic or religious groups, and also by internal socio-economic, environmental, demographic and other factors; the Secretary-General's enhanced ability to perform advisory and mediatory functions in order to avert the threat of war on a global or regional scale; the formation under United Nations auspices of an extensive network for monitoring, collecting and processing information on the situation in areas of conflict; and so forth.

7. We are also interested in the idea that the Special Committee might consider measures aimed at strengthening the collective security regime provided for in the Charter of the United Nations, especially in the light of the increased decentralization of peace-keeping and peacemaking responsibilities between the United Nations and regional and subregional organizations. In this regard, it might be useful to consider the observations and proposals made by the Security Council and the General Assembly during their consideration of the Secretary-General's report entitled "An Agenda for Peace" (A/47/277-S/24111).